

REMARKS

A. Status of the claims

Claims 15-20 and 22-27 are currently pending. Claim 15 and claims 16-20 and 22-27 are rejected under 35 U.S.C. §102 (a) and §103, respectively.

B. Rejections under 35 U.S.C. §102 (a) or §103 are moot

Beginning at page 2 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. §102 (a) and claims 16-20 and 22-27 under 35 U.S.C. §103 as being anticipated or unpatentable in view of Gordon et al. Applicants respectfully traverse.

At the outset, Applicants assume that the “Gordon et al” reference recited in the Office Action is the Gordon et al reference identified as document C2 in the Supplemental IDS filed on December 30, 2008.

The rejection is improper because Gordon et al is unavailable as prior art. The instant application claims priority to United Kingdom Application No. 0221169.6, filed on September 12, 2002¹. This priority document demonstrates that the Applicants invented the methods recited in the pending claims before Gordon et al was published (See, e.g., the Summary of the Invention at pages 3-7; Example 1 beginning at page 59; and Tables A and B at pages 87 and 174, respectively). Gordon et al was published in 2003 and thus can not be used in support of a rejection under 35 U.S.C. §102 (a) or §103. As a result, the rejections under 35 U.S.C. §102 (a) or §103 are moot.

¹ A copy of this priority document was provided to the USPTO. According to PAIR, the Mail Room Date was March 11, 2005.

C. Conclusion

In view of the above comments, Applicants believe the pending application is in condition for allowance. The Examiner is invited to contact David Gass or the undersigned at 312-474-6300 with any concerns regarding the case.

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Respectfully submitted,

By 

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